

REMARKS

Claims 1-6 and 9-36 are pending in the present application. Claims 5-6 are rejected. Claims 1-4 and 9-36 are withdrawn from consideration as being drawn to a non-elected invention.

Rejection under 35 USC 112, first paragraph

The Examiner maintains the rejection of claims 5-6 as not properly enabled based upon the rationale that the specification fails to teach “how to use” this broad genus of peptides. The Examiner’s reasoning is that there is a large genus, there is no identification of a ligand for most of the peptide species, and there is no identification of a specific biological function for most of the peptide species. Further, the Examiner says that one of ordinary skill in the art would not know which bromodomain peptides would bind to which acetyl lysine containing peptides. The Examiner previously dismissed the supplemental evidence Applicants provided regarding the bromodomains of other proteins.

Applicants previously presented in the last Response filed on July 27, 2007 a purely legal argument explaining their understanding of when a rejection under 35 U.S.C. 112, first paragraph regarding enablement in a “how to use” context was proper as well as their understanding of the relationship of such a rejection to 35 U.S.C. 101 regarding utility. In a telephone conversation on April 15, 2008 between Applicants’ attorney David Smith and the Examiner, it was clarified that the reason that this rejection exists is because of the “intended use” recitation of claim 5. Therefore, in the interest of advancing prosecution, Applicants delete the functional limitation “and wherein said isolated peptide may be used for screening for an inhibitor of the interaction between a bromodomain and an acetylated lysine residue of a peptide or protein.” As such, no rejection based upon an alleged failure to enable one of ordinary skill in the art to use “.....said isolated peptide.....for screening for an inhibitor of the interaction between a bromodomain and an acetylated lysine residue of a peptide or protein” is proper.

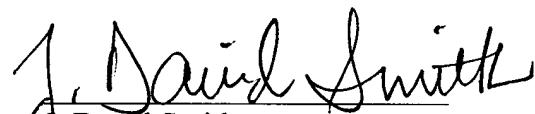
Fees

No fees are believed to be necessary in connection with this Response. However, if this is in error, authorization is hereby given to charge Deposit Account No. 11-1153 for any underpayment, or credit any overages.

Conclusion

Applicants believe that the claims are in condition for allowance. Withdrawal of the rejections is respectfully requested. If a discussion with the undersigned will be of assistance in resolving any remaining issues, the Examiner is invited to telephone the undersigned at (201) 487-5800, ext. 114, to effect a resolution.

Respectfully submitted,


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